

REMARKS

The Office Action dated August 15, 2000 has been carefully reviewed. Claims 1-18 are pending in this patent application. Claims 1, 4, 6, 9, 10, 12, 14, 17 and 18 have been amended. Reconsideration of the patent application is respectfully requested in view of the following remarks.

Claims 4, 6, 9, 12, 14, and 17 were amended by the applicant to correct minor grammatical errors. Claims 1, 10 and 18 were amended to more fully clarify applicant's invention for the Examiner and such amendments will be discussed below.

35 U.S.C. § 102(b) Rejection of Claims 1-5, 8-13 and 16-18 (Couse '647)

Claims 1-5, 8-13 and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Couse (U.S. Patent No. 2,789,647). Specifically the Examiner states the following on page 2 lines 9-17 of the office action:

As shown in figure 1, Couse discloses a working machine with a main frame, a cab assembly 5, a work implement 12, ground engaging mechanism 3, 4 coupled to the engine, a truck bed as shown in figure 1, an engine 6 and radiator assembly 19 mounted on the main frame along with a transmission assembly generally shown at 17 which is interposed between the engine and the radiator. The cooling core of the radiator is best seen in figure 5 and comprises a conduit 26, 30 which carries a cooling fluid from the radiator to the engine. The cooling core is oriented at an angle of approximately 90 degrees with respect to an imaginary line L2 oriented at a right angle with respect to the longitudinal axis of the vehicle. The angle the cooling core has with respect to line L2 falls within the range set forth in claim 2.

Discussion Re: Patentability of Claim 1

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Claim 1, as amended, reads as follows:

1. (once amended) A work machine,
comprising:
a main frame;
an engine enclosure mounted on said main
frame;
an engine assembly mounted on said main
frame;
a radiator assembly mounted on said main
frame; and
a transmission assembly (i) mechanically
coupled to said engine assembly and (ii) mounted on
said main frame such that said transmission assembly
is interposed between said engine assembly and said
radiator assembly,
wherein (i) said engine enclosure is
devoid of a radiator assembly, (ii) said engine
assembly is located (A) within said engine enclosure,
and (B) adjacent to a front portion of said main
frame, and (iii) said radiator assembly mounted on
said main frame is located outside of said engine
enclosure. (Emphasis added.)

Based upon the above recited limitations, the Examiner will appreciate that the work machine of claim 1 includes (among other things) an engine enclosure which is **devoid** of a radiator assembly. Applicant respectfully points out that, as shown in FIG. 1, Couse teaches a radiator assembly which is located within the engine enclosure. Accordingly, claim 1 is not anticipated by Couse under 35 U.S.C. § 102 and the Applicant respectfully requests that the rejection be withdrawn.

Moot

Discussion Re: Patentability of Claims 2-5 and 8-9

Each of claims 2-5 and 8-9 include claim 1 as a base claim. As a result, each of claims 2-5 and 8-9 is allowable for the same reasons hereinbefore discussed with regard to claim 1. Moreover, each of claims 2-5 and 8-9 recite additional novel and nonobvious limitations. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-5 and 8-9 under 35 U.S.C. § 102.

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Discussion Re: Patentability of Claim 10

As indicated above, claim 10, as amended, also recites the limitation that the subject work machine is devoid of a radiator assembly within the engine enclosure. Specifically, claim 10 reads as follows:

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10. (once amended) A work machine,
comprising:
a main frame;
an engine enclosure mounted on said main
frame;
an engine assembly mounted on said main
frame so that said engine assembly is located (i)
within said engine enclosure, and (ii) adjacent to a
front portion of said main frame;
a radiator assembly mounted on said main
frame; and
a cab assembly mounted on said main frame
such that said cab assembly is interposed between said
engine assembly and said radiator assembly,
wherein (i) said engine enclosure is
devoid of a radiator assembly and (ii) said radiator
assembly mounted on said main frame is located outside
of said engine enclosure. (Emphasis added.)

Therefore, the Examiner will understand that the above discussion relating to the patentability of claim 1 is pertinent to the patentability of claim 10. As such, the Applicant respectfully requests that the rejection of claim 10 be withdrawn.

not

Discussion Re: Patentability of Claims 11-13 and 16-17

Each of claims 11-13 and 16-17 include claim 10 as a base claim. As a result, each of claims 11-13 and 16-17 are allowable for the same reasons hereinbefore discussed with regard to claim 10. Moreover, each of claims 11-13 and 16-17 recite additional novel and nonobvious limitations. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 11-13 and 16-17 under 35 U.S.C. § 102.

not

Discussion Re: Patentability of Claim 18

As indicated above, claim 18, as amended, also recites the limitation that the subject work machine is devoid of a radiator assembly within the engine enclosure. Specifically, claim 18 reads as follows:

not

18. (once amended) A work machine,
comprising:
a main frame;
an engine enclosure mounted on said main
frame;
an engine assembly mounted on said main frame
so that said engine assembly is located (i) within said
engine enclosure, and (ii) adjacent to a front portion of
said main frame;
a radiator assembly mounted on said main
frame;
a cab assembly mounted on said main frame such
that said cab assembly is interposed between said engine
assembly and said radiator assembly;
a work implement coupled to said main frame;
and
a ground engaging mechanism mechanically
coupled to said engine assembly,
wherein (i) actuation of said ground engaging
mechanism by said engine assembly causes said work machine
to be advanced over a ground segment, (ii) **said engine
enclosure is devoid of a radiator assembly**, and (iii) said
radiator assembly mounted on said main frame is located
outside of said engine enclosure. (Emphasis added.)

Therefore, the Examiner will understand that the above discussion relating to the patentability of claim 1 is also pertinent to the patentability of claim 18. As such, the Applicant respectfully requests that the rejection of claim 18 be withdrawn. moot

35 U.S.C. § 103(a) Rejection of Claims 6 and 14 (Couse '647 and further in view of Kunze et al. '487)

Claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Couse (U.S. Patent No. 2,789,647) and further in view of Kunze et al. (U.S. Patent No. 4,160,487). Specifically the Examiner states the following on page 3 lines 11-18 of the office action:

Couse, as set forth in detail above, does not disclose the cooling core interposed between the radiator fan and the engine assembly. However, Kunze et al. discloses a engine cooling system with the cooling core 5 interposed between the radiator fan 7 and the engine 3, as best seen in figure 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the cooling arrangement like that taught by Kunze and add it to the system of Couse in order to allow for the fans to be farther away from the engine and to draw in cooler air which will expedite the cooling of the water to be returned back to the engine compartment.

Discussion Re: Patentability of Claims 6 and 14

Claims 6 and 14 include claims 1 and 10, respectively, as moot

base claims. As discussed above, Couse does not teach or discuss an engine enclosure which is **devoid** of a radiator assembly. Moreover, Kunze also fails to teach or suggest an engine enclosure which is **devoid** of a radiator assembly. Therefore, the proposed Couse/Kunze combination fails to arrive at the invention of claims 6 and 14. Accordingly, a prima facie case of has not been established and the Applicant respectfully requests that the subject rejection be withdrawn.

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35 U.S.C. § 103(a) Rejection of Claims 7 and 15 (Couse '647 and Kunze et al. '487 and further in view of Burney '191)

Claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Couse (U.S. Patent No. 2,789,647) and Kunze et al. (U.S. Patent No. 4,160,487) and further in view of Burney (U.S. Patent No. 1,979,191). Specifically the Examiner states the following on pages 3 and 4, lines 21-23 and lines 1-5, respectively, of the office action:

Couse and Kunze, as set forth in detail above, does not disclose an engine assembly interposed between the engine fan and the radiator fan. However, Burney discloses an engine assembly 1 interposed between the engine fan 12 and the radiator fan 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the cooling arrangement like that taught by Burney and add it to the system of Couse and Kunze in order to allow the fan to efficiently draw the heat off the engine and disperse it which will allow the radiator to draw in the coolest possible air which will help keep the engine at the optimum running temperature.

Discussion Re: Patentability of Claims 7 and 15

Claims 7 and 15 include claims 1 and 10, respectively, as base claims. As discussed above, Couse and Kunze do not teach or discuss an engine enclosure which is **devoid** of a radiator assembly. Moreover, Burney fails to teach or suggest an engine assembly adjacent to a front portion of the frame. Therefore, the proposed Couse/Kunze/Burney combination fails to arrive at the invention of claims 7 and 15. Accordingly, a prima

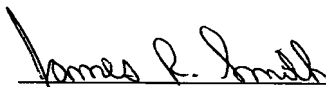
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facie case of has not been established and the Applicant respectfully requests that the subject rejection be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Action to that end is hereby solicited. If there are any matters which can be clarified or resolved through a telephone interview, the Examiner is requested to contact applicant's undersigned attorney at the number indicated.

Respectfully submitted,


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